



General Assembly

Substitute Bill No. 5798

February Session, 2006

* _____HB05798APP____040406_____*

AN ACT CONCERNING DISABILITY RETIREMENT FOR CORRECTION OFFICERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 18-101e of the 2006 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (a) Whenever a correction officer who is a member of a state
5 employee organization and a member of the state employees
6 retirement system, as a result of a special hazard inherent in the duties
7 of a correction officer, becomes (1) permanently disabled or
8 permanently unable to render service as a correction officer, and (2)
9 permanently unable to engage in other suitable, comparable
10 employment, the state employee organization representing such
11 member may, but is not required to, petition the Secretary of the Office
12 of Policy and Management on behalf of such member for a designation
13 of extraordinary circumstances for the purpose of calculating such
14 member's disability retirement income.

15 (b) If such petition is granted by the Secretary of the Office of Policy
16 and Management, or a designee, or as a result of an arbitration
17 conducted pursuant to subsection (c) of this section, the Department of
18 Correction shall (1) elevate such correction officer to the highest pay
19 grade in the member's bargaining unit, effective not later than the

20 member's last day of active state service, and (2) prepare an application
21 for disability retirement benefits under the state employees retirement
22 system that reflects the salary of such highest pay grade. The
23 Retirement Commission shall use the salary of such highest pay grade
24 in determining such member's disability retirement income in
25 accordance with the provisions of chapter 66.

26 (c) (1) If such petition is denied by the Secretary of the Office of
27 Policy and Management, or a designee, the state employee
28 organization representing such member may initiate arbitration by
29 filing with the State Board of Mediation and Arbitration the sole issue
30 of whether such member is entitled to a designation of extraordinary
31 circumstances for the purpose of calculating such member's disability
32 retirement income. A copy of the filing shall be served on the Secretary
33 of the Office of Policy and Management. Not later than seven days
34 after such copy has been served, the parties shall jointly select an
35 arbitrator. The person selected shall have substantial, current
36 experience as an impartial arbitrator of labor-management disputes.
37 Persons who serve partisan interests as advocates or consultants for
38 labor or management in labor-management relations or who are
39 associated with or are members of a firm that performs such advocate
40 or consultant work may not be selected. If the parties fail to agree on
41 an arbitrator within the seven-day period, the selection shall be made
42 using the procedures under the voluntary labor arbitration rules of the
43 American Arbitration Association.

44 (2) In any arbitration proceeding initiated under this section, the
45 sole issue before the arbitrator shall be whether such member is
46 entitled to a designation of extraordinary circumstances for purposes
47 of calculating such member's disability retirement income. The
48 arbitrator's decision shall be final and binding on all parties and shall
49 not be subject to appeal under any provision of the general statutes or
50 under any collectively bargained agreement.

51 (d) Nothing in this section shall be construed to alter the amount of
52 compensation due any member of a correctional institution pursuant

53 to the provisions of subsection (a) of section 5-142, as amended, or
54 chapter 568.

55 (e) The provisions of this section are applicable to disabilities
56 occurring on or after March 1, 1993.

This act shall take effect as follows and shall amend the following sections:		
---	--	--

Section 1	<i>from passage</i>	18-101e
-----------	---------------------	---------

LAB *Joint Favorable Subst. C/R*

APP

APP *Joint Favorable*